IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

Con.Case(C).No. 644 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN WPC.27856/2006

.....

PETITIONERS/PETITIONERS 1 TO 6 IN W.P(C)27856/06

---

1. KUNJU ABRAHAM, S/O IYPE ABRAHAM,
   AGED 40 YEARS, OMANA COTTAGE, PALKAL P.O.,
   KOTTAYAM.

2. E.J.IYPE, AGED 48 YEARS, S/O E.I.JOHN,
   EZHAVANKATTIL, POOVANTHURUTHU P.O., KOTTAYAM.

3. C.K.SALIKUMAR, AGED 42,
   S/O KUNJUSEKHARA PANICKER, CHATHAMALACHIRAYIL,
   PAKKIL P.O, KOTTAYAM.

4. M.K.VIJAYAN, AGED 43, S/O KARUTHAKUNJU,
   MULANTHANAM, PALLAM P.O., KOTTAYAM.

5. M/S BINU & COMPANY, PERUMAN P.O.,
   KOLLAM, REPRESENTED BY ITS PROPRIETOR, S.S.BINU,
   S/O SUDHAKARAN, SREE VIHAR, AGED 39,
   PERUMON P.O,KOLLAM.

6. P.K.SASI, AGED 60, S/O KARUTHAKUNJU,
   PLAMPARAMBIL, PAKKIL P.O., KOTTAYAM.

BY ADV. SRI.T.M.CHANDRAN
SRI.JOSEPH ALBIN NEDUNTHALLY
SRI.V.A.SASIDHARAN
SRI.S.SUJITH

RESPONDENTS: RESPONDENTS IN W.P.(C)27856/06

---

1. SRI. M.SUBAIR, AGED ABOUT 45,
   FATHER'S NAME NOT KNOWN TO THE PETITIONERS,
   SECRETARY, K.S.E.BOARD, VYDHYUTHI BHAVAN,
   THIRUVANANTHAPURAM.

2. SRI.PHILIP ZACHARIA, AGED 53,
   FATHER'S NAME NOT KNOWN TO THE PETITIONERS,
   DEPUTY CHIEF ENGINEER & PRINCIPAL TEAM LEADER,
   K.S.E.BOARD, CIVIL CIRCLE, PALLAM, KOTTAYAM.

3. SRI.KURIAKOSE, AGED ABOUT 51 YEARS,
FATHER'S NAME NOT KNOWN TO THE PETITIONERS,
EXECUTIVE ENGINEER AND TEAM LEADER K.S.E.BOARD,
BUILDINGS AND STORES,DIVISION, M.F.I.ANGAMALY.

4. SRI. P.K.VARGHESE, AGED ABOUT 54 YEARS,
FATHER'S NME NOT KNOWN TO THE PETITIONERS,
EXECUTIVE ENGINEER AND TEAM LEADER, K.S.E.BOARD,
CMF PALLAM, KOTTAYAM.

5. SRI. UNNIKRISHNAN, AGED ABOUT 49,
FATHER'S NAME NOT KNOWN TO THE PETITIONERS,
EXECUTIVE ENGINEER AND TEAM LEADER, K.S.E.BOARD,
M.F.II KOLATHARA P.O.NALLALAM, KOZHIKODE.

6. SRI.AKAS, AGED ABOUT 40 YEARS,
FATHER'S NAME NOT KNOWN TO THE PETITIONERS,
ASSISTANT ENGINEER, DRAWING BRANCH, SECTION,
K.S.E.BOARD, CIVIL CIRCLE, PALLAM, KOTTAYAM.

7. SMT.SUJA, AGED ABOUT 45,
FATHER'S NAME NOT KNOWN TO THE PETITIONERS,
ASSISTANT EXECUTIVE ENGINEER, OFFICE OF THE
ASSISTANT EXECUTIVE ENGINEER, K.S.E.BOARD,
SUB DIVISION C.M.DIVISION PALLAM, KOTTAYAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC, KSEB

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

.....

C.O.C. No.644 of 2007

.....

Dated this the 12th day of June, 2007.

JUDGMENT

Heard counsel for the petitioners and Standing Counsel for KSEB. The petitioners who are awarded work were not allowed to take up the work on account of Vigilance enquiry. This court vide judgment dt.16.11.2006 directed completion of enquiry. It was specifically stated that if petitioners are not involved, they should be allowed to carry on the work. However, Standing Counsel for KSEB stated that Vigilance enquiry disclosed irregularity involving petitioners complicity. He has conveyed the decision of the Board to cancel the contract awarded to the petitioners. In the circumstances, contempt is not maintainable and it is for the Board to pass orders cancelling contracts giving reasons thereof. If petitioners have grievance against cancellation of contract, it is for them to challenge the same.

C.N.RAMACHANDRAN NAIR
Judge

pms